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8
9 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION
10

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 KAMAISHAY N. CARTER,

16 Defendant.
17

CR 11-00325 SBA

**DEFENDANT'S SENTENCING
MEMORANDUM**

HON. SAUNDRA BROWN ARMSTRONG

Date: Feb. 1, 2012
Time: 10:00 a.m.

18 **I. INTRODUCTION**

19 Mr. Carter comes before this Court intending to plead guilty to the sole count of the
20 indictment, being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). Mr. Carter
21 respectfully requests that the Court sentence him to seventy-seven months imprisonment, followed
22 by three years of supervised release, as provided in his Federal Rule of Criminal Procedure
23 11(c)(1)(C) plea agreement with the government. Mr. Carter, probation, and the government concur
24 that this sentence is sufficient, but not greater than necessary, to achieve the goals of sentencing as
25 articulated in 18 U.S.C. § 3553(a).
26

1 **II. BACKGROUND**

2 Kamaishay Carter grew up in poverty in East Oakland, the son of Albert Jones and Georgia
3 Collins. His father was often absent and Ms. Collins relied on government assistance to feed Mr.
4 Carter and his siblings. They lived in a depressed neighborhood, where Mr. Carter witnessed a great
5 deal of gang violence and drug dealing. Even as an adult, Mr. Carter continues to suffer from
6 depression, insomnia, and anxiety. (Pre-Sentence Investigation Report [“PSR”], ¶¶ 50-52, 58)

7 In this case, Mr. Carter possessed a firearm. He has accepted responsibility for his conduct
8 and entered into a timely plea agreement with the government. (PSR ¶¶ 3, 21-22)

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10 **III. THE PROPOSED SENTENCE OF SEVENTY-SEVEN MONTHS IMPRISONMENT IS APPROPRIATE**

11 The proposed sentence of seventy-seven months imprisonment is reasonable. In determining
12 an appropriate sentence, the court must look to the factors set forth in 18 U.S.C. § 3553, among them
13 the applicable sentencing guideline calculation. *United States v. Booker*, 543 U.S. 220, 245-46
14 (2005); *United States v. Autery*, 555 F.3d 864, 872 (9th Cir. 2009); *United States v. Carty*, 520 F.3d
15 984, 991 (9th Cir. 2008). The Court’s paramount concern must be to “‘impose a sentence sufficient,
16 but not greater than necessary’ to reflect the seriousness of the offense, promote respect for the law,
17 and provide just punishment; to afford adequate deterrence; to protect the public; and to provide the
18 defendant with needed educational or vocational training, medical care, or other correctional
19 treatment.” *Carty*, 520 F.3d at 991.

20 Application of the factors listed in Section 3553(a) to this case supports imposition of
21 seventy-seven months imprisonment, which is the low end of the guideline range and is the sentence
22 agreed to by the parties and recommended by probation. Mr. Carter had a difficult childhood. His
23 father was often absent and his mother had to work hard to support her children, with government
24 assistance. Mr. Carter grew up surrounded by poverty, drugs, and violence. Although he has
25 suffered a number of criminal convictions, Mr. Carter has accepted responsibility for his conduct.
26 The proposed sentence is a lengthy one and it would satisfy the goals of retribution, incapacitation,

1 and deterrence.

2 **V. CONCLUSION**

3 Mr. Carter joins the government and probation in requesting that the Court sentence him to
4 seventy-seven months in the custody of the Bureau of Prisons, followed by a three-year term of
5 supervised release. Such a sentence is sufficient, but not greater than necessary to effect the goals
6 of Section 3553(a) with respect to Mr. Carter. In light of his ties to the Bay Area, Mr. Carter further
7 requests a recommendation for local designation.

8 Dated: January 25, 2012

9 Respectfully submitted,

10 GEOFFREY A. HANSEN
11 Acting Federal Public Defender

12 /s/

13 ELLEN V. LEONIDA
14 Assistant Federal Public Defender
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